

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RECEIVED

2021 AUG 30 AM 11:09

KEITH HERRON,
Movant,

vs.

UNITED STATES OF AMERICA,
Respondant.

)

)

)

)

)

)

CASE No. 2:14-CR-20257-SHL-1

MOTION FOR ORDER GRANTING COMPASSIONATE RELEASE
REDUCTION IN SENTENCE PURSUANT TO 18 U.S.C. § 3582 (c)(1)(A)

COMES NOW, Keith Herron, appearing pro se, and respectfully moves the Court under 18 U.S.C. § 3582 (c)(1)(A)(i) for an ORDER granting his previously Filed Motion For Compassionate Release / Reduction in Sentence Pursuant to 18 U.S.C. § 3582 (c)(1)(A) and THE FIRST STEP ACT OF 2018.

As a preliminary matter, Herron respectfully request that this Court be mindful that pro se complaints are to be held "to less stringent standards than formal pleadings drafted by lawyers," and should therefore be liberally construed.

Jamieson v. United States, 692 F.3d 435 (6th Cir. 2012) (quoting Martin v. Overton, 391 F.3d 710, 712 (6th Cir. 2004));

ESTELLE v. Gamble, 429 U.S. 97 (1976) (same); and Haines v. Kerner, 404 U.S. 519 (1972) (same).

STATEMENT OF THE CASE

On July 13, 2021, Herron filed his pending Motion For Compassionate Release / Reduction in Sentence Pursuant to 18 U.S.C. § 3582 (c)(1)(A) and THE FIRST STEP ACT OF 2018 (Doc. 190). Thereafter, on the 23rd day of July, 2021, the Court entered an ORDER directing the Government to file a response to Defendant's (Herron) motion within fourteen (14) days of the date of entry of the Court's Order (Doc. 191). As of today (date of instant filing) the Government has failed to satisfy the 14 days response date ordered by the Court on July 23, 2021, to respond to Herron's Motion.

ARGUMENT

The COVID-19 virus has surged and reemerged in a more deadly and contagious variant of COVID-19 called "delta." Due to the delta strain of the Covid virus, the Prison here at McCreary U.S.P. is on lockdown in accordance with the new CDC's guidelines for prisons within those areas and towns where they are located.

There are many more cases of this new delta Covid virus reported here among the inmate population and the staff here as well and as a result, Herron claim for Compassionate Release has taken on a more urgent and potentially greater need for release due to his current living arrangements in prison. In short summary, the new delta covid virus raises the stakes of an extraordinary circumstance beyond and above the risks present when Herron filed his initial motion and request with the Warden here at McCreary U.S.P. on April 1, 2021.

In addition to this new threat with the delta variant of the COVID-19 virus, Herron realleges and incorporate each and every argument and claim made in his previously filed and still pending motion for compassionate release and reassert those same claims and issues in this current motion, (Doc. 190).

As of the date (today) of the filing of Herron's instant motion for order granting compassionate release, the Government has failed to respond to the Court's order for a response and as a result, Herron's claims for compassionate release and the authorities and case law cited to supported his claims are "UNOPPOSED" by the Government. Therefore, Herron has shown compelling evidence and extraordinary circumstances that exist in his case that should entitle him to the relief he seeks in his Motion for Compassionate Release / Reduction in Sentence Pursuant to 18 U.S.C. § 3582 (c)(1)(A)(i) and The First Step Act of 2018.

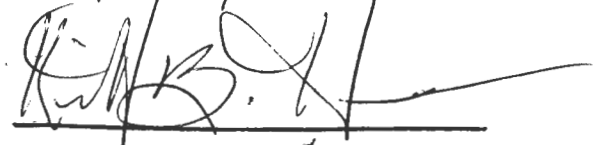
Finally, Herron release into the community and his proven history of compliance with this Court's orders regarding his release prior to being sentenced is documented with this Court and serves more so during these times that his release back into the community will satisfy the Court's every condition as it pertains to his release, Herron has a proven track record with compliance of conditions of release.

CONCLUSION

WHEREFORE, Mount Herron respectfully requests that the court will grant him compassionate release.

Executed on this 25 day of August, 2021.

Respectfully Submitted,



Keith Herron #27068-076

U.S. Penitentiary McCreary

P.O. Box 3000

Pine Knot, Ky 42635

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2021, I mailed a true and correct copy of the above and foregoing motion for an order granting Compassionate Release via U.S. Mail, postage prepaid, to Calvin David Biggers, Jr., Assistant U.S. Attorney at U.S. Attorney's Office, 167 N. Main St., Suite 800, Memphis, TN 38103


Keith Herron